G. R. S. IX-5]

Previous references.

File No. 6-19

1919.

Serial Nos. 20, 21

(P. P)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for Jan 19

SUBJECT.

Food Supply arrangements.

Sec 21) To. The Dt Magte, Kolar Dist
No G 2331 dt 28.7.19.

Records with the observation that the delay of 5 months in the disposal of the case by the D.C. Subbaraya Iyer is unsatisfactory and that greater promptness is expected by Magts in the disposal of such cases.

G. R. S. III—1] 191 9

GENERAL AND REVENUE SECRETARIAT.

(pp)

NOTES.

1

File No. 6-19

FILE HEADING.

From

No. Dated Received

Diary No. | Enclos. Spare Copies. | Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

General and Revenue Secretariat.

PP File No. 6 of 1919.

Serial No.

To the Dy Cmr Kolar
D.O. No 107 & 22.4.19
Enquiries may no ref. ... made to get ... of the ... of Bowringpet having ... relation ... Cmr ... with the ...
...

From the Dy Cmr ... Kolar
D.O. No C.1225 & 24.4.19
submits ... reports on the matter

Chief Secy's orders.
~~Dewan~~ "Please submit to Dewan for perusal"
Asst J.C.S.B 27/4/19

Submd
27/4/19 Dewan 3.45 p.m. 27.4.19.

DEWAN'S OFFICE.
Recd. on APR 27 1919
Reg. No. 6704.

From the Dy Cmr Kolar
No Refce 75.2 & 27/4/19.
In centn of the above - submits a report regarding the facts of the case -

NOTE—Contn

G. R. S. III-2]

General and Revenue Secretariat.

pp File No. 6 of 1919.

Serial No.

1 From the Complaint petn it can be seen that the complaint lodged by the Amildar on 1.2.1919 is still pending & till now only 4 witnesses have been examined. The case stands posted for the 14th May 1919 [illegible] for perusal

pp
3-5-19

Reed on 6/5/19 from Venkata Rao

3/5/19 [illegible]

5. The delay in the disposal of this case is most scandalous. A simple case of assault in broad daylight in the presence of several people on a responsible officer of Govt has taken well over 3 months for part of the prosecution case!

Dewan

I think this requires where the case should be disposed without delay

7. We shall see

Deal with the magt

Y

Thank you 6.5

CRK 7/5/19

CRK 7/5 Govt

NOTE—Contn. sheet.

I. R. S. III-2].

General and Revenue Secretariat. | File No. 6 of 1919.

Serial No.

9 Draft sub'd
Mg
7/5/19

10 Issue
7-5-19

9 25363 of 8/5/19.

11 A draft reminder is put up
Mg
30/5/19.

12 Issue
30-5-19

9 27004 of 31/5

13 Draft D.O. reminder put up
Mg 14 before
9/6/19

Issued C. 9160 of 10-6-19.

From the Dt. Magte. Kolar
No. Rep 752 of 18-6-19

States main case has not yet been disposed but is nearing completion.

15 Submitted the case stands posted the 27th June 1919 for the hearing of arguments.
Mg
23/6/19 Chief Sec

NOTE—Contn. sheet.

No await further report
Remind

General and Revenue Secretariat. | File No. 6 of 1919.

Serial No.

17 Draft reminder put up.
hg
10/7/19

Issue
SMA
10.7.

18 Issued in no 5717
D/11.7.19.

From the Dt Magte-Godar
no. 752 D 7.7.19
states that the case of assault
against the Amedan of Bavanagar
was disposed of on the 7th inst
& that the accused was convicted
sentenced to six months' rigorous
imprisonment & a fine of Rs 100
& forwards a copy of the judgment
& extract from the crossheet.

11/7/19

19. Subd with refce — to para 7 of the
Notes - (page 2)
hg
12/7/19

SMA
14.7.19

Chief Secy)

For perusal.

The reasons assigned for
the earlier adjournments do not seem
to be convincing.

Well over 5 months for a case
this kind ~~appears to~~ can only be styled
very dilatory —

1st member)
Dewan)

285
16.7.19

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | PP File No. 6 of 1919

Serial No.

The Deputy Magistrate's letter may be recorded with the observation that the delay of about 5 months in the disposal of a case of this kind is unsatisfactory & that greater promptness is expected in the disposal of such cases by Magistrates

Dewan

21/7

DEWAN'S OFFICE.
Recd. on JUL 22 1919
Reg. No. 378

25.7.19

Draft put up
26/7/19

Issue
26.7.19

To

The Dt Magistrate
Kolar Dt

No. J. 2331 & 28.7.19.

Records with the observation that the delay of 5 months in the disposal of the case by Mr. D.C. Subbarayappa, is unsatisfactory and that greater promptness is expected by Magistrates in the disposal of such cases.

Vide Orders in Govt. No. R. 2933-6/PP-66-19-7 dt. 30-8-19 directing the Govt. Advocate to conduct the case before the Sessions Judge

Returned to the Head Assistant Judicial Secretariat 1.9.19

CHIEF SECRETARIAT. II POLITICAL BRANCH. 1. AUG. 1919

CHIEF SECRETARIAT. II POLITICAL BRANCH. 16 SEP. 1919

NOTE—Contn. sheet.

(Draft). General & Revenue.

Dated Bangalore, 22nd April 1919.

D.O. No:--107.

Dear Mr. Venkoba Rao,

The Dewan understands that sometime ago the Amildar of Bowringpet was assaulted by somebody in connection with food control arrangements and that the case is dragging on in some court. It has not appeared that any report of this occurrence was mde to Government. I am desired to enquire why this was so and in what stage the matter is, at present.

Yours sincerely,

('Ind) C.S.B.

D.O.No.C.1225 Office of the Deputy Commissioner,
Kolar District,
Camp Coregaum dated 24th April 1919.

Dear Mr. Balasundaram Iyer,

Your D.O. No.107 dated 22nd April 1919 regarding an assault on the Amildar of Bowringpet. I am asking the Office to make a full report in the matter; but as I am under orders of transfer, I send you this report ad interim to save possible delay.

As far as I remember now the case is that an angry villagers whose ragi was being taken, shook his fist or stick in front of the Amildar in a threatening manner I am not sure whether the Office has made a report; but I mentioned the matter to the Revenue Commissioner when I went to Bangalore for the Food Meeting in February last. The case is going on in the Treasury Assistant Commissioner Magistrate's Court and he has been asked to dispose it of soon.

I am giving instructions to the office to send a report immediately and also a full report later on,

after the case is disposed of in the Court.

Yours sincerely,

8.

Deputy Commissioner's Office,
Kolar District,
Dated Kolar, the 27th April 1919.

19486

From,

B. Venkoba Rao, Esq., B.A.,
Offg. Deputy Commissioner, Kolar District,

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
B A N G A L O R E.

Sir,

With reference to your D.O.No.107 dated 22nd Instant, in re the assault committed on Amildar Mr.Mahomed Abdulla Sheriff of the Bowringpet Taluk in connection with the food control arrangements and in continuation of my D.O.reply No.1225 dated the 24th April 1919, I have the honour to state that the facts as reported are as follows:-

Amildar Mr.Mahamed Abdulla Sheriff went to the Guttahalli Village in the Bethamangala Hobli in the Bowringpet Taluk on 31st January 1919 to see to the removal of 26 candies of Ragi he had previously commandeered from some of the villagers. While making arrangements in the Village for the carting of the said Ragi to Bowringpet, he got information to the effect that one Muniswami bin Dodmaregowda of the Village had in his grain-pit more Ragi than what had been declared by him in the declaratory Statement given by him at the time of the food Census, and with a view to verify this information, he questioned the said Muniswami and asked him to point out his Grain-pit when the latter flatly refused to do so. Muniswami became very rowdy though the Rules on the subject were explained to him, and having snatched a Club from the hands of one Sonnappa, who was in the Crowd assembled there, attempted to assault the Amildar with it when it was wrested away from him by the Revenue Daffedar Muniswamy and Peon Pachmiah. Thereupon the said --

WD 0463—GPB—3,00,000—21-7-17—S.

6551 A 7.

CHIEF SECRETARY'S POLITICAL BRANCH. 3 MAY 1919

191

From The Deputy Commissioner,
Kolar District.

To

The Chief Secretary to
the Government of
Mysore, Bangal

Dated 27th April 1919.

Despatched

Received

General No.
No.

Enclosure No.

Submitting a report in a case
on
of assault ~~against~~ the ~~case~~ of Amildar
of Bowringpet Taluk by one Munisawmi
of Guttahalli Village.

said Muniswami picked up a stone and attempted to pelt it at the Amildar,. This attempt was also frustrated owing to Erappa and other Villagers having come to the rescue of the Amildar and prevented further mischief on the part of the assailant.

The Amildar immediately got a Mahazar drawn up as to what had actually transpired and lodged a formal Complaint under Section 353 I.P.C. against Muniswami before the District Magistrate of Kolar on the 1st February 1919 and he referred it to the Treasury Assistant Commissioner and Second Class Magistrate, Kolar, for disposal, 9 witnesses have been examined by that Magistrate and the case is pending for the examination of two more Witnesses for the prosecution and stands adjourned to the 14th May next.

A copy of the Complaint petition of the Amildar together with a copy of the Mahazar is herewith enclosed for favour of perusal.

The result of the case will be intimated to you in due course.

I have the honour to be,

S i r,

Your most obedient servant,

D C Subbarayappa.

Treasury Assistant Commissioner,
For Offg. Deputy Commissioner,
Kolar District
(Absent from station).

10

In the Court of the District Magistrate

Kolar.

Complainant.

The Amildar
Bowringpet.

vs.

Accused

Munisawmy Son
of Dodda Marayappa
of Guttahalli
village of Kasaba
hobli. Bowringpet
Taluk

Sec 353. I.P. Code.

Respectfully Showeth

That on 31-1-19, whilst I was engaged in having commandeered Ragi, removed from the Guttahally village Chavadi to Bowringpet Depot, the accused obstructed, and attempted to assault me with a Stick and a Stone herewith produced.

The Mahazar drawn up on the Spot is herewith submitted, gives the details of the occurrence and the names of the witnesses present. pray that the case may be enquired in to according to law.

(Sd). M. A. Shariff
Amildar
Bowringpet.

Dated
Kolar. 1st February 19

"Copy
By Comm

వర్ణన రచన

1919 నవంబరు 3 వ తేదీ బుధవారం సాయంత్రం 3 గంటలకు మా ఇంటి ముందు ఉన్న ఖాళీ స్థలంలో మా పిల్లలు ఆడుకుంటున్నారు. ఆ సమయంలో ఒక పెద్ద ఏనుగు మా ఇంటి ముందు నుంచి వెళ్ళింది. ఆ ఏనుగు ఎత్తు 10 అడుగులు ఉంటుంది. దాని తొండం చాలా పొడవుగా ఉంది. దాని కాళ్ళు స్తంభాల్లా ఉన్నాయి. దాని తోక చాలా పొడవుగా ఉంది. దాని చెవులు చాలా పెద్దవిగా ఉన్నాయి. దాని కళ్ళు చాలా చిన్నవిగా ఉన్నాయి. దాని దంతాలు చాలా పొడవుగా ఉన్నాయి. దాని వీపు మీద ఒక పెద్ద గంప ఉంది. ఆ గంపలో ఇద్దరు మనుషులు కూర్చుని ఉన్నారు. ఆ ఏనుగు మీద ఒక మావటి కూర్చుని ఉన్నాడు. ఆ మావటి చేతిలో ఒక పొడవాటి కర్ర ఉంది. ఆ కర్రతో అతడు ఏనుగును అదిలిస్తూ ఉన్నాడు. ఆ ఏనుగు మా ఇంటి ముందు నుంచి వెళ్ళి, ఎదురుగా ఉన్న రోడ్డు మీదకు వెళ్ళింది. ఆ రోడ్డు మీద చాలా మంది జనం ఉన్నారు. వారంతా ఆ ఏనుగును చూస్తూ ఆశ్చర్యపోయారు. ఆ ఏనుగు ఆ రోడ్డు మీద కొంత దూరం వెళ్ళి, ఒక పెద్ద చెట్టు కింద ఆగింది. అక్కడ ఆ ఏనుగు తన తొండంతో చెట్టు కొమ్మలను విరిచి తింటూ ఉంది. ఆ ఏనుగు మావటి దాని మీద నుంచి కిందకు దిగి, దాని కాళ్ళ దగ్గర కూర్చున్నాడు. ఆ ఏనుగు తన తొండంతో అతనికి కొన్ని ఆకులు ఇచ్చింది. అతడు వాటిని తిన్నాడు. ఆ ఏనుగు మావటి ఇద్దరూ ఆ చెట్టు కింద కొంతసేపు విశ్రాంతి తీసుకున్నారు. ఆ తర్వాత ఆ ఏనుగు మావటి మళ్ళీ దాని మీదకు ఎక్కి, అక్కడి నుంచి వెళ్ళిపోయారు. ఆ ఏనుగు మా ఇంటి ముందు నుంచి వెళ్ళినప్పుడు, మా పిల్లలు దాని వెనుక కొంత దూరం వరకు పరిగెత్తారు. ఆ ఏనుగు మా పిల్లలను చూసి, తన తొండాన్ని పైకి ఎత్తి, వారిని భయపెట్టింది. మా పిల్లలు భయపడి, ఇంట్లోకి పరిగెత్తుకొని వచ్చారు.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

No. G 25363

Date of issue 8/5/19

Signed by W. G. B. H.

To

The Dy Com²

Kolar Dt

Sir,

With reference to your letter no Ref 752 dated the 27th April 1919 regarding a case of assault on the Amildar of Bowringpet, I am directed to request that instructions may be issued for the disposal of the case ~~as~~ very early & that the

List of enclosures.

Copied by

Examined by

W D86—GPB—60,000—15-11-16

G.R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... .....

Section

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT

the 191

No. G 27004

Date of issue 31/5/19

Signed by [illegible]

To The Dy Comr
Karimganj

Sir,

I am directed to make reference to correspondence ending with this office letter no G 25363 dt 8th May 1919 regarding a case of assessment on the Ahmed of Bowrupur & to

to enquire whether the
case has since been
disposed of & if so
with what result

Thank you

yours

Ashcroft Lees

List of enclosures.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT

the *191* . D.O No. L.S. 160

Date of issue 10. 6. 1919 To The Dy Comr Kolar Distt

Signed by.. Sri. D. N. Ramanatha

Dear Sir,

I am desired to invite reference to correspondence ending with this office letter no G 27004 of 31st May 191 regarding a case of assault on the Amildar of Bowringpet and to request

Inquire whether the case
has since been disposed of
& if so, with what result.

Yours sincerely

21.6.19

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—19-3-19

Office of the District Magistrate,

Kolar District.

Dated Kolar, the 18th June 1919.

From

M. Zahiruddin Mecci, Esquire, B.A.,

District Magistrate, Kolar District.

To

C. S. Balasundaram Iyer, Esquire, B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore,

Bangalore.

Sir,

With reference to your letter No: 27004 dated 31st May 1919, I have the honor to state that the case of assault on the Amildar of Bowringpet Taluk, pending in the court of the Treasury Assistant Commissioner, Kolar, has not yet been disposed of but is nearing completion. The examination of the Defence Witnesses was over on the 17th instant and the case stands posted to the 27th idem for the hearing of arguments on either side.

I have the honor to be,

Sir,

Your most obedient servant,

Subbarayappa.

For District Magistrate,

Kolar District.

WD 0463—GPB—3,00,000—21-7-17—S.

191 8-19. 73080

From

The District Magistrate,
Kolar District.

To

The Chief Secretary to the Governmen
of His Highness the Maharaja of --
Mysore, Bangalore.

Dated the 18th June 1919.

Despatched

Received

General No.
No.

Enclosure No.

Reporting that the criminal
Case of assault on the Revenue
of Bowringpet is not yet decided

G.R. S. VI G/32

SUBJECT.....

Diary No. of letter replied to .. ..

Section

File No.

Serial No.

GENERAL AND REVENUE SECRETARIAT

the *191* .

No. G 717/4.S.

Date of issue..... 11/7/19.....

Signed by..... Mr G. B. H.....

To The Dt Magte
Kolar

Sir

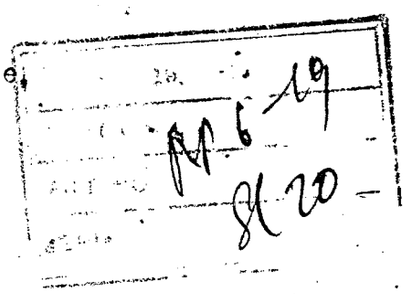
With refee to the cor-
respondence ending with
your letter no 752 G 18th
June 919 regarding a case
of assault on the Amildr
of Bowringpet. I am due
to enquire whether the cas

over.

has suit been disposed of
if so, with what result
Thank you
GMA
Regards

DIARY NO.....

Office of the District Magistrate,
Kolar District.
Dated Kolar, the 7th July 1919.



From

M. Zahiruddin Mecci, Esquire, B.A.,
District Magistrate, Kolar District.

923

To

C. S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

Sir,

With reference to correspondence ending with my letter No: J.C.752/18-19 dated 18th June 1919, I have the honor to --- inform you that the case of assault on the Amildar of Bowringpet Taluk which was pending in the Court of the Treasury Assistant Commissioner, Kolar, was disposed of on the 7th instant, and the accused was convicted and sentenced to rigorous imprisonment for six months and a fine of Rs.100/- and in default of payment of fine to a further term of rigo-rous imprisonment for one mont A copy of the judgment pronounced in the case is sent enclosed for perusal. The accompanying extract from the Order sheet relating to the case will show that there has been no avoidable delay in the disposal of the case.

I have the honor to be,
Sir,
Your most obedient servant,

M Zahiruddin

District Magistrate,
Kolar District.

WD 0463 —GPB—3,00,000—21-7-17—S.

1919-20.

From

The District Magistrate,
Kolar District.

To

The Chief Secretary to the Govern
ment of His Highness the Maharaja
of Mysore, Bangalore.

Dated 7th July 1919.

Despatched

Received

General No. Ref Yr 752

No.

Enclosure No. 2

Reporting the result of a Case of assault against the Amildar of Bowringpet Taluk.

In the Court of the Treasury Assistant Commissioner
& I Class Magistrate, Kolar.
Dated 7th day of July 1919.

Present: D. C. Subbarayappa, Esq., B.A., B.L.,

Criminal Case No.18 of 1918-19.

Complainant	Accused
Government of Mysore	Munisami
(Mr. Mahomed Abdulla Sheriff)	

JUDGMENT.

On 1st February 1919, Mr. M. Abdulla Sheriff, Amildar of Bowringpet Taluk, lodged a complaint under Section 353 of the Indian Penal Code before the District Magistrate of Kolar against one Munisami, son of Dodda Maray Gowda of Guttahalli village in the said Taluk. The case was transferred to my file on the same date; but it was not possible to commence proceedings till 16th April 1919 as a few adjournments had to be granted for valid reasons adduced on either side.

The case for the Prosecution in briefly as follows:--

The Amildar of Bowringpet Taluk proceeded to Guttahalli a village within the jurisdiction of his Taluk, on the morning of Friday 31st January 1919 for the purpose of removing ragi that had already been commandeered and stocked in the Chavadi in that village and also of commandeering further quantities of ragi from stock holders under the Rules framed under the Defence of India Regulation. The Amildar himself had to proceed to the village as reports had been received from his subordinate officers that the accused was putting obstacles in the way of other ryots allowing the commandeered ragi to be removed to the Government Grain Depot at the Taluk head quarters. His visit to the village had apparently the desired effect as he probably convinced the villagers concerned that the ragi taken from them would be duly paid for. The ragi

that had been collected and stocked in the village was accordingly allowed to be removed in carts to the Taluk Grain Depot at Bowringpet.

When this business was over, the Amildar was informed by the Patel & Shanbhog of the village that the accused was the only man among the stock-holders who had not given any ragi in accordance with the Rules framed by Government in that behalf. He thereupon sent for the accused and asked him to go with him and show his grain pit so that the surplus stock, if any might be commandeered and taken. The accused remonstrated and refused to show the pit. The Amildar told him imperatively that he should show the pit: otherwise he would reap the consequences under the Standing Orders of Government. Thereupon, the accused, who was standing right in front of the Amildar and within about a yard's distance from him, apparently lost his temper, snatched a stick about four feet long and an inch or so in diameter with a metallic ring at one end from an old man by name Sonnappa who was standing close by and lifted it to strike the Amildar. What would have been a heavy blow or a series of blows resulting in serious hurt was fortunately averted by the timely intervention of P.W.5 Munisami, the Taluk Duffedar and P.W. 8 Pacha Sabi, a Revenue Peon who caught hold of the accused and snatched the stick from his hands.

Article

Undaunted by the thwarting of his first attempt, but on the other hand growing more exasperated on that account, the accused freed himself from the Duffedar and Revenue Peon who had held him, picked up a sharp irregular stone about the size of an orange from a ruined wall near by and attempted to strike the Amildar with it. This time also, what would have been a severe blow ending in disastrous consequences was luckily averted by the timely intervention of P.W.6 Veerappa, a ryot belonging to Dodda Ankandahalli, a neighbouring village, who

Article 2.

snatched the stone from the hand of the accused.

A Mahazar was then drawn up describing the events that had taken place and it was duly attested by the village official and ryots who witnessed the scene. It forms an enclosure to the complaint petition filed by the Amildar before the District Magistrate. The accused had been kept in custody for a time but was let off on his producing two sureties.

What transpired afterwards is not very material to the case. The Amildar went to the Grain Pit of the accused accompanied by some of the village officials and ryots but came back soon afterwards not finding much ragi in the pit. He then returned to his head quarters and took the earliest opportunity of running down to Kolar and lodging a complaint before the District Magistrate against the accused.

The above is the version based mainly on facts elicited in the course of the sworn testimony of P.W.1, the Amildar. It has been corroborated in material particulars by the sworn testimony of the other Prosecution Witnesses though they were all subjected to a thorough and searching cross examination by the Defence Counsel.

Of the eleven witnesses examined on behalf of the Prosecution, one is the Amildar himself, three are disinterested ryots of Guttahalli and the neighbouring village, five are respectable Patels and Shanbhogs - one of them belonging to different Taluk altogether - one the Taluk Office Duffedar and another a Revenue Peon working under the Shirdar of the Kasaba Hobli in Bowringpet Taluk. All of them were direct witnesses of the scene and a majority of them have attested the Mahazar drawn up on the spot immediately after the event. Their credit stands unimpeached and unshaken. The accused tried to tamper with one of them, P.W. 10, but apparently with no success. According to that witness, when he happened to meet

the accused a few days prior to his examination in Court, the latter persuaded him to depose in his favour in the case, but the witness resisted the temptation and refused to say anything that he had not actually seen.

In the face of such overwhelming evidence on behalf of the Prosecution, the plea of not guilty put forward by the accused and that of provocation put forward inter alia by Counsel on his behalf in the course of arguments count for nothing.

When questioned what the accused had to say in his defence, he has stated that as soon as the Amildar came to the village he sent for him and getting wild with him for having petitioned the Deputy Commissioner against certain officers of Government used abusive language to him and directed him to show his grain pit. On his telling him that no useful purpose is likely to be served by going to the pit as ragi had already been removed from there, the Amildar, it appears, drove him by the neck, trod on him with his boots and thereby made him fall. When he attempted to run P.W. 9 Pasha Babi prevented him and both he and P.W. 8 Gangappa thrust him with their knees. The Amildar then ordered him being kept in custody and went to the grain pit and so on. If all this story were true, there is no reason why the accused should not have immediately sought redress in a Court of law against the Amildar and the other people who molested him.

The accused cited eight witnesses for the Defence but chose to examine only three of them and dispensed with the rest for obvious reasons. Of the three witnesses examined, one is an old man of 70 years who is hard of hearing and short of sight; another is a man of straw paying a paltry kandayam of Rs.5/- and the third is a poor weaver eking out his livelihood by vending no more than a couple of sarees fit for villagers' wear every week. Their evidence is besides discrepant and unreliable.

To prove that the Amildar came to the village with a deliberate intent to pick a quarrel with the accused and provoke him to commit unlawful acts, the Defence Counsel have exhibited two documents D3 and D4. One of these D3 is a petition dated 15th January 1919 presented by the accused to the District Magistrate, Kolar, complaining that Kanaba Shekdar Krishnappa and three others carried away 14 out of 15 candies of ragi from his grain pit. D4 is the Order Sheet in which the District Magistrate has recorded an order on 29th January 1919 calling for a report on the above petition under Section 202 of the Criminal Procedure Code from the Amildar of Bowringpet Taluk.

The Defence Counsel contended that a copy of Exhibit D4 referred to above must have been before the Amildar before he went to Guttahalli with a deliberate intention to take the accused to task for his audacity in complaining against officers of Government. Such a thing appears to be absurd on the very face of it. Granting that the document in question was before him, it is impossible to believe that an officer of his rank and status would in any way be seriously affected by a complaint being referred to him, a complaint particularly not against himself but against his subordinate officers, which is a matter of almost every day occurrence in big offices like that of the Amildar. As a matter of fact however it is to be noted that Exhibit P3 which is an endorsement forwarding a copy of the Order of the District Magistrate to the Amildar to the Amildar of Bowringpet Taluk is dated 30-1-19 in the District Magistrate's Office and bears the seal of the Bowringpet Amildar's office under date 1-2-19 and also certain office instructions over his initials on the same date, which is a day after the date of occurrence of the assault complained of in the present case. There appears to be no reason to doubt the genuineness of these entries.

The Defence Counsel have also exhibited another document D3 which is a petition presented by the accused to the Deputy Commissioner (and not the District Magistrate) on 3-2-19 i.e., three days after the assault in question protesting against the previous petition being referred to the Amildar of Bowringpet and complaining of assault, insult, intimidation, wrongful confinement and so on against him. This was exhibited to show that the accused had a real grievance against the Amildar from the beginning. In my opinion, it appears to be nothing more than an attempt made by the accused to extricate himself from the consequences of the complaint lodged against him by the Amildar.

The Defence theory therefore falls to the ground. I have already shown above that the Prosecution have proved their case. There is no doubt therefore that the accused did commit an assault on a public servant in the execution of his duty as such public servant - the term "assault" being taken in the sense in which it is defined in Section 351 of the Indian Penal Code. I accordingly find the accused guilty of an offence under Section 353 of the Indian Penal Code and sentence him to rigorous imprisonment for six months and a fine of Rupees One Hundred and in default of payment of fine to a further term of rigorous imprisonment for one month.

Pronounced in Open Court this 9th day of July 1919.

(Sd.) D. C. Subbarayappa.
First Class Magistrate.

Appendix to Judgment in Cri. Case No.18 of 18/19 on the file of Treasury Assistant Commissioner & I Class Magistrate, Kolar.

I. The following witnesses were examined for the Prosecution

1. Mahomed Abdulla Sheriff. Amildar.
2. Gangappa
3. Ramachandrappa
4. Ranjunappa
5. Huniyamma
6. Krappa
7. Chikkamaregowda.
8. Huniyenkata
9. Jaabanabi
10. Chinna Naicka
11. Bommegowda.

II. The following witnesses were examined for the Defence:

1. Thimmayappa
2. Bommaya
3. Jattappa.

III. Exhibits filed for the Defence:

Exht D1 - Vergarasiamma dated May 1918 in favour of Huniyami of Gattahally village.

Exht. D2 - Petition dated 13th January 1919 by the accused Huniyami to the District Magistrate on 15th January 1919 against Shekhar Krishnappa and 3 others in Cri. Mis. 41/18-19 on the file of District Magistrate, Kolar.

Exht. D3 - Petition filed by Huniyami on 3rd February 1919 in C. Mis.41/18-19 on the file of District Magistrate, Kolar.

Exht. D4- Order Sheet on 29th January 1919 by the District Magistrate, Kolar in C. Mis.No.41/18-19.

Exhibits filed for the Prosecution -
Exht P1. = Dist magistrate order in C. Mis no 41 of 18/19 on 31/3/19
P2. = Copy of order forwarded to Amildar Bowringpet on 30/4/19 for report.

EXTRACT FROM THE ORDER SHEET IN THE COURT OF THE

TREASURY ASSISTANT COMMISSIONER AND MAGISTRATE, KOLAR.

Case No.12 of 1918-19.

Government Vs. Munisamy.

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1 - 2 - 1919 Offence falls under Section 353 I.P.C. Issue Bailable warrant for the arrest of the accused and Processes to the witnesses named. Post the case to 10th February.

10 - 2 - 1919 Mr. G. R. Srinivasa Rao who appears for the accused states that he has instructions to move for a transfer of the case to the file of some other Magistrate and that therefore a fairly long adjournment may be granted. Case posted to 27th February.

27 - 2 - 1919 The complainant (the Amildar) represents that he has to return to Bowringpet immediately in connection with the visit of the Inspector General of Police tomorrow and prays for an adjournment. Case posted to 15th March.

15 - 3 - 1919. The complainant has sent a communication pleading his inability to be present as the Deputy Commissioner has fixed his Jamabandi for this day in his Taluk. Case adjourned to 5th April.

26 - 3 - 1919. I find that the District Board Meeting is fixed for the 5th April. So it may not be possible to proceed with the case on that day. Adjourned therefore to 11th April.

5 - 4 - 1919. The Amildar of Bowringpet who was here for the District Board Meeting represented that 11th is not convenient for him as it is a Shandy day. Case there-

fore

therefore adjourned to 16th.

16 - 4 - 1919. . Chief Examination of P.W.'s 1 to 9 over. The Prosecution want to examine only two more witnesses who are absent to-day and dispense with the rest. Case adjourned to 14th May as an earlier date was not suitable to counsel for the accused on account of the coming first Session of the Representative Assembly.

14 5 - 1919. Examination of two more witnesses over. Charge framed against the accused. Counsel for accused who were called upon to finish the cross examination of Prosecution Witnesses pfayed for an adjournment as they wanted to get certain copies of records from the District Magistrate's Court. Case therefore adjourned to 24th May.

24 - 5 - 1919. Cross Examination of four witnesses over. Adjourned for want of time to 30th.

30 - 5 - 1919. P.W. 1 (Amildar of Bowringpet) writes to say that as the Commandant of a Bullock Corps is expected at Bowringpet to-day in connection with the purchase of bullocks for the said Corps he is unable to be present here to-day and that the case may be posted for tomorrow. As counsel for the accused will not be in town tomorrow, they pray for another day being fixed. Adjourned to 6th June.

6 - 6 - 1919. Cross Examination of 6 witnesses finished. One important witness absent. Adjourned for further proceedings to 11th June.

11 - 6 - 1919. Prosecution Witness Thimma Naik has not turned up to-day. Warrant to issue through the District Superintendent of Police. Case adjourned to 17th.

17 - 6 - 1919. Examination of one Prosecution Witness and all

the three Defence Witnesses over. Adjourned for arguments to 27th.

27 - 6 - 1919 Arguments of both sides heard. Case posted for judgment to 7th July.

7 - 7 - 1919. Judgment pronounced.

G.R.S. VI–71]

SUBJECT.....

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Diary No. of letter replied to.....

Section
File No. 116
Serial No. 2

General and Revenue Secretariat

Proceedings of the Government of His Highness the Maharaja of Mysore.

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Date of issue 28/7/19

Signed by H. A. R.

Read— Correspondence ending with letter No. J.C. 752 dated the 7th July 1919 from the Dist Magte - Kolar reporting the case of assault committed on the Amildar of Bowringpet TK in connection with food supply arrangements which was pending in the Court of the Treasury Asst Commr & Magte - Kolar and disposed of on the 7th July

Order Thereon—No.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

and that the accused was convicted & sentenced to rigorous imprisonment for 6 months & a fine of Rs 100. & in default to =

Over

Recorded with the observation that the delay about 5 months in the disposal of the case by [illegible] is unsatisfactory & that greater promptness is expected of Magistrates in the disposal of such cases.

R Chetty Esq;

To The Dt Magte. Kolar

List of enclosures.

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Examined by